

NMAC

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Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No.

Issuing agency name and address: Agency DFA code:

Contact person's name: Phone number: E-mail address:

Type of rule action: New Amendment Repeal Emergency Renumber (ALD Use Only) Most recent filing date:

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

Amendment description (If filing an amendment): Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes No Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes No Public domain

Specific statutory or other authority authorizing rulemaking:

Notice date(s): Hearing date(s): Rule adoption date: Rule effective date:

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

2020 APR -9 PM 1:11

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

8.285.400 NMAC was updated to replace outdated language, make citizenship language changes that align with the 42 CFR 440.255(c), and to amend residency language to be consistent with other residency NMAC language. No written or oral comments were received so the rules are being adopted as proposed.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Angela Medrano

Check if authority has been delegated

Title:

Deputy Secretary

Signature: (BLACK ink only)

Angela Medrano

Date signed:

4/8/20

2020 APR -9 PM 1: 11

This is an amendment to 8.285.400 NMAC, sections 8-10 and 12-14, effective 5/1/2020.

8.285.400.8 MISSION: [~~To reduce the impact of poverty on people living in New Mexico by providing support services that help families break the cycle of dependency on public assistance.~~] To transform lives. Working with our partners, we design and deliver innovative, high quality health and human services that improve the security and promote independence for New Mexicans in their communities.

[8.285.400.8 NMAC - N, 1/1/2014; A, 5/1/2020]

8.285.400.9 EMERGENCY MEDICAL SERVICES FOR ALIENS - CATEGORY 085: Certain non-citizens who are undocumented or who do not meet the qualifying immigration criteria specified in 8.200.410 NMAC, but who meet all eligibility criteria for [~~other medical assistance program categories 030, 032, 035, 072, 100, 200, 300, 301, 400, 420 and or supplemental security income (SSI)~~] the following medical assistance categories of eligibility (COEs): other adults (COE 100), parent/caretaker (COE 200), pregnant women (COE 300), pregnancy-related services (COE 301), children under age 19 (COEs 400, 401, 402, 403, 420, and 421) or supplemental security income (COEs 001, 003, and 004) can receive coverage for emergency services. See 42 CFR Section 440.225.

[8.285.400.9 NMAC - Rp, 8.285.400.9 NMAC, 1/1/2014; A, 5/1/2020]

8.285.400.10 BASIS FOR DEFINING THE GROUP: [~~The determination of emergency status is made by the medicaid utilization review contractor. For purposes of determining emergency status, the following definition applies: an emergency condition means a medical or behavioral health condition manifesting itself through acute symptoms of sufficient severity (including severe pain) such that a prudent layperson with average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in the health of the individual or with respect to a pregnant woman, the health of the woman or her unborn child to result in serious jeopardy; serious impairment to the individual's bodily functions; or serious dysfunction of any of his or her bodily organs or parts. With respect to a pregnant woman and her unborn child, emergency services includes all emergency labor and delivery services, such as inductions of labor and caesarean sections.~~] The definition of an emergency medical condition is found at 8.325.10.13 NMAC.

[8.285.400.10 NMAC - Rp, 8.285.400.10 NMAC, 1/1/2014; A, 5/1/2020]

8.285.400.12 ENUMERATION: [~~An alien~~] A non-citizen applicant is exempt from the requirement to provide a social security number (SSN). If the applicant is found eligible for coverage of emergency services, the claims are paid using [~~a dummy number. Issuance of the dummy number is done on the current eligibility system.~~] an eligibility system generated identification number.

[8.285.400.12 NMAC - Rp, 8.285.400.12 NMAC, 1/1/2014; A, 5/1/2020]

8.285.400.13 CITIZENSHIP: An applicant must be a [~~noncitizen~~] non-citizen who is undocumented or who does not meet the qualifying immigration criteria specified in 8.200.410 NMAC. Per 42 CFR 440.255(c), effective January 1, 1987, non-citizens who are not lawfully admitted for permanent residence in the United States or permanently residing in the United States under the color of law must receive the services necessary to treat the condition defined at 8.325.10.13 NMAC.

[8.285.400.13 NMAC - Rp, 8.285.400.13 NMAC, 1/1/2014; A, 5/1/2020]

8.285.400.14 RESIDENCE: [~~An applicant must provide proof of New Mexico residence. Undocumented aliens traveling through New Mexico, visiting in New Mexico, or touring New Mexico do not meet the residence requirements for eligibility.~~] An applicant must be a resident of the state of New Mexico in accordance with 8.200.410.14 and 8.291.410.15 NMAC.

[8.285.400.14 NMAC - Rp, 8.285.400.14 NMAC, 1/1/2014; A, 5/1/2020]